

(RACT). In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by June 23, 1995.

ADDRESSES: Written comments on this action should be addressed to Scott Southwick, at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Division for Air Quality, Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, 316 St. Clair Mall, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Scott Southwick, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 x 4207. Reference file KY-083.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: March 21, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95-12618 Filed 5-23-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[MN30-1-6215b; FRL-5183-9]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: In the Final Rules Section of the **Federal Register**, the USEPA is approving recodification of Minnesota's regulations, removal of certain redundant and unnecessary regulations from the SIP, and other minor revisions. USEPA is taking that action as a direct final rule without prior proposal because USEPA views the action as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to the proposal of that action. If USEPA receives adverse public comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. USEPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this action must be received by June 23, 1995.

SUPPLEMENTARY INFORMATION: Addresses and Supplementary Information are provided in the Rules section of this **Federal Register**.

Authority: 42 U.S.C. 7401-7671q.

Dated: March 20, 1995.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 95-12562 Filed 5-23-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[Region II Docket No.129, NY10-1-6212, FRL-5210-1]

Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency is proposing to approve a revision to the New York State Implementation Plan (SIP) related to the control of volatile organic compounds. The SIP revision consists of amendments to Part 200, "General Provisions," Part 201, "Permits and Certificates," Part 228, "Surface Coating Processes," Part 229, "Petroleum and Volatile Organic Liquid Storage," Part 233, "Pharmaceutical and Cosmetic Manufacturing Processes," and Part 234, "Graphic Arts." The amendments extend reasonably available control technology rules to enlarged nonattainment areas and to areas of the Northeast Ozone Transport Region as required by the Clean Air Act. In addition, the amendments to Part 228 correct deficiencies in New York's existing SIP, as required by the Clean Air Act.

DATES: Comments must be received on or before June 23, 1995.

ADDRESSES: All comments should be addressed to: William S. Baker, Chief Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, New York, New York 10007-1866.

Copies of the State submittal are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 20th Floor, New York, New York 10007-1866.

New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: Paul R. Truchan, State Implementation Plan Section, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 20th Floor, New York, New York 10007-1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act (Act) as amended in 1990 sets forth a number of requirements that states with areas designated as nonattainment for ozone must satisfy and a timetable for satisfying these requirements. These requirements are further explained in the General Preamble to the Act (57 FR 13513), which was published on April 16, 1992. The specific requirements vary depending upon the severity of the ozone problem. One of the requirements, and the subject of this proposed rulemaking, is for states to adopt reasonably available control technology (RACT) rules for various volatile organic compound (VOC)

source categories. Section 182 sets forth two separate RACT requirements for ozone nonattainment areas. The first requirement, contained in Section 182(a)(2)(A) and referred to as RACT fix-up, requires the correction of RACT rules for which EPA identified deficiencies before the Act was amended in 1990. The second requirement, set forth in Section 182(b)(2), applies to moderate (and above) ozone nonattainment areas. The goal of this latter requirement is to ensure that areas not required previously to adopt RACT for some or all of the major stationary sources, adopt rules and "catch-up" to those areas subject to more stringent RACT requirements. In addition, the RACT catch-up provision requires certain areas to apply RACT to smaller sources because the definition of major source has been changed to include smaller sources.

The State has previously adopted regulations addressing some of these requirements and EPA has approved many of these revisions to the New York State Implementation Plan (SIP). On March 8, 1993, New York submitted a SIP revision addressing more of these requirements. This SIP revision is the subject of this proposed action.

In New York the applicability of these requirements varies depending on whether the source category is in an area previously designated nonattainment (New York City and the counties of Nassau, Suffolk, Westchester and Rockland), a nonattainment area where the boundaries have been extended by the Act (the towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick and Woodbury in Orange County), or an area within the Northeast Ozone Transport Region (the entire State). There are also areas in New York which are designated as marginal nonattainment (parts or all of the counties of Albany, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Erie, Niagara, Essex, and Jefferson.) There are no RACT requirements for these areas because of their marginal designation, but these areas are subject to the RACT requirements for an area within the Northeast Ozone Transport Region. On October 6, 1994, Dutchess and Putnam counties and portions of Orange County were reclassified as moderate nonattainment (See section ahead entitled "Requirements for nonattainment areas with expanded boundaries").

Requirements for Previously Designated Nonattainment Areas

The New York portion of the "New Jersey, New York, Connecticut interstate metropolitan air quality control region" (composed of New York City and the counties of Nassau, Suffolk, Westchester and Rockland) was previously designated nonattainment for ozone. Under the amended Act, EPA included these areas as part of the New York-Northern New Jersey-Long Island Nonattainment Area and classified it as severe nonattainment for ozone.

Section 182(a)(2)(A) of the Act requires states with ozone nonattainment areas classified as marginal or above, to fix their deficient RACT rules for ozone precursors in accordance with EPA's pre-enactment guidance by May 15, 1991. New York made SIP submittals addressing this requirement and EPA approved this submittal with the exception of two remaining deficiencies for the New York portion of the New York-Northern New Jersey-Long Island Nonattainment Area on July 27, 1993 (58 FR 40057 and 58 FR 40062). New York's March 8, 1993 SIP revision corrects these two remaining deficiencies as described later in this proposal.

Section 182(b)(2) of the Act requires states with ozone nonattainment areas classified as moderate or above to develop RACT for (1) all pre-enactment Control Technology Guideline (CTG) source categories; (2) all sources subject to post-enactment CTGs; and (3) all other major sources in those areas.

With regard to the first requirement, the pre-amended Act required ozone nonattainment areas to adopt RACT rules for certain sources of VOC emissions. EPA issued three sets of CTGs, establishing a "presumptive norm" for RACT for various categories of VOC sources. The three sets of CTGs were (1) Group I—issued before January 1978 (15 CTGs); (2) Group II—issued in 1978 (9 CTGs); and (3) Group III—issued in the early 1980's (5 CTGs). New York was required to adopt RACT rules for all of the CTG sources. New York had already developed RACT rules for the pre-enactment CTG sources. Therefore nothing further is required to fulfill this portion of the requirement.

With regard to the second requirement, New York has followed the process set forth by EPA in its CTG document issued as Appendix B to the General Preamble. In Appendix B, EPA provides that states could delay submission of non-CTG rules for those sources the state anticipates will be covered by one of EPA's 11 proposed post-enactment CTGs. Section 183(a)

requires EPA to issue these 11 CTGs by November 15, 1993 and, when each is issued to establish a schedule for state adoption. Therefore, New York would be required to adopt by that schedule. Should EPA not issue a CTG by November 15, 1994, then New York would have to adopt RACT for those major source categories by November 15, 1994.

On November 15, 1993, EPA published a CTG for reactor processes and distillation operations in the synthetic organic chemical manufacturing industry. On March 23, 1994, in 56 FR 13717, EPA published an addendum to that CTG. In that addendum EPA explained that states are required to adopt RACT rules for this CTG category by March 23, 1995 and that sources must be in compliance with these rules no later than November 15, 1996. EPA did not issue any additional CTGs by the November 15, 1993 deadline. Therefore, in order to meet the Appendix B requirement, New York must adopt RACT rules for reactor processes and distillation operations in the synthetic organic chemical manufacturing industry by March 23, 1995. In addition, New York must adopt RACT rules for all major sources which would be subject to other post-enactment CTG categories by November 15, 1994.

With regard to the third requirement, Section 182(d) of the Act defines major sources in severe ozone nonattainment areas as sources capable of emitting 25 tons or more of VOC per year. Therefore, New York was required to adopt RACT rules for all sources that exceed this 25 ton per year cut-off by November 15, 1992.

New York had already developed RACT rules for the pre-enactment CTGs in this area. These rules all meet the 25 ton per year cutoff or a lower cutoff specified by the applicable CTG, therefore, nothing further is needed to fulfill this portion of the requirement for pre-enactment CTG sources. New York's March 8, 1993 submittal is intended to address some of the RACT requirements for non-CTG major sources including: volatile organic liquid storage (other than gasoline), marine tanker loading and pharmaceutical manufacturing processes (other than synthesized processes). These regulations are addressed in this proposal. In a January 15, 1992 letter, EPA notified the Governor of New York that it was starting the sanction process required by Section 179(a) of the Act,¹ because of

¹ Section 179(a) of the Act requires that EPA impose sanctions 18 months after finding: that a

New York's failure to completely address the requirement to develop RACT regulations for all non-CTG major sources. On July 8, 1994, New York submitted the necessary regulations which EPA found complete on July 13, 1994 thereby stopping the sanction process. These regulations will be the subject of a future **Federal Register** notice.

Requirements for Nonattainment Areas With Expanded Boundaries

On November 6, 1991 (56 FR 56694), EPA extended the boundaries of the New York-Northern New Jersey-Long Island Nonattainment Area to include Putnam and Orange counties. New York, however, requested time to study the boundaries and classification under Section 187(d)(4)(A)(iv). Based on New York's study, EPA confirmed that the southern part of Orange County (the towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick and Woodbury) should remain in the New York-Northern New Jersey-Long Island Nonattainment Area with a nonattainment classification of severe and that Putnam County should be included in the Poughkeepsie Area with a nonattainment classification of marginal. The northern portion of Orange County was classified as attainment for ozone. Therefore, only the southern portion of Orange County described previously was covered by the extended nonattainment area boundary provisions.

The southern portion of Orange County was not subject to the Section 182(a)(2)(A) RACT fix-up requirement. However, under Section 182(b)(2), the State was required to submit RACT rules for all sources subject to a pre-enactment CTG or a post-enactment CTG and to submit RACT rules for all other major VOC sources. For this area, a major source is one that has the potential to emit greater than 25 tons per year.

New York's March 8, 1993 SIP revision extended the applicability of New York's RACT rules for sources covered by pre-enactment CTGs to the towns in the southern portion of Orange County and it also adds control requirements for some non-CTG RACT sources in this area. These regulations are addressed in this proposal. As was explained earlier for the previously designated portion of the New York-Northern New Jersey-Long Island Nonattainment Area, the State needed to

make additional submissions with respect to non-CTG RACT rules. This was also true for the expanded portion of the New York-Northern New Jersey-Long Island Nonattainment Area. The State has now made the necessary submissions which will be the subject of a future **Federal Register** notice.

It should be noted that on October 6, 1994 (59 FR 50848), EPA reclassified Dutchess, Putnam and the northern portion of Orange County as moderate nonattainment for ozone. The new moderate classification changes the requirements for these areas. However, since these areas are in the Northeast Ozone Transport Region there will be a minimum of changes needed to the regulations. The State should still review the regulations to determine if administrative changes are needed.

Requirements for Areas in the Northeast Ozone Transport Region

Because ozone is a regional problem, Section 184(a) of the Act included all of New York State in the Northeast Ozone Transport Region. Section 184(b)(1)(B) requires areas that are part of the Ozone Transport Region to implement RACT rules for VOC sources. This requirement includes sources subject to pre-enactment CTGs, sources subject to post-enactment CTGs, and all non-CTG sources with the potential to emit more than 50 tons of VOCs per year.

New York's March 8, 1993, SIP revision extended the applicability of New York's RACT rules for sources covered by pre-enactment CTGs statewide and it also adds control requirements for some non-CTG RACT sources. These regulations are addressed in this proposal. As was explained earlier for the portions of New York which are designated as severe, the State needed to make additional submissions with respect to non-CTG RACT rules. This was also true for the remainder of the State. The State has now made the necessary submissions which will be the subject of a future **Federal Register** notice.

SIP Deficiencies

EPA has identified a number of deficiencies in New York's Ozone SIP. New York made a number of submittals intending to address these deficiencies but on October 16, 1991, EPA wrote to the Governor of New York, informing him that New York had missed the May 15, 1991 deadline to correct all of the RACT deficiencies that EPA had previously identified. This initiated the sanction process required by Section 179(a) of the Act.

The specific problems that EPA identified were the failure to develop a

control measure regulating the detection and repair of component leaks at synthetic organic chemical manufacturing industry (SOCMI) facilities, an inadequate definition for VOC, and inadequate emission limitations for certain surface coatings.

On January 8, 1992, New York submitted SIP revisions that addressed the missing control measures for SOCMI facilities and the inadequate definition of VOC. EPA approved this SIP revision on July 27, 1993 (58 FR 40057).

In its March 8, 1993, SIP revision, New York addressed the remaining SIP deficiencies. EPA's April 9, 1993, determination that this submittal was complete stopped the sanctions process initiated on October 16, 1991. EPA's action on these rules is addressed in this proposal.

State Submittals

On March 8, 1993, New York submitted to EPA a request to revise its SIP. The revisions consisted of amendments to Part 200, "General Provisions," Part 201 "Permits and Certificates," Part 228, "Surface Coating Processes," Part 229 "Petroleum and Volatile Organic Liquid Storage and Transfer," Part 233, "Pharmaceutical and Cosmetic Manufacturing Processes," and Part 234, "Graphic Arts" of Title 6 of the New York Code of Rules and Regulations. These regulations were adopted on February 27, 1993, and became effective on March 29, 1993. These regulations address, in part, the requirements of the Clean Air Act explained previously. It should be noted that because the specific requirements of the Act which New York must address vary by the severity of the ozone problem in a specific area, the applicability of New York's regulations also vary by area. A summary of EPA's review and findings concerning these regulations follows. For a more detailed analysis, see the technical support document which is available at EPA's Region 2 office.

Part 200—General Provisions

A definition for "Lower Orange County Metropolitan Area" was added to Part 200. The definition is consistent with EPA's current non-attainment designation. In addition, Part 200 was updated to reflect numbering changes made previously to other regulations dealing with references to test methods. EPA proposes to fully approve Part 200.

Part 201—Permits and Certificates

EPA's past approval of Part 201 dates back to 1981 and the regulation has been revised from time to time since then. Some of the current revisions were

state has failed to submit a SIP or an element of a SIP that is required by the Act; that a State has submitted a SIP or an element of a SIP that is incomplete; or that EPA disapproves a SIP submission for a nonattainment area.

necessary to extend the applicability of Part 201 to source categories which were previously exempted from these requirements. Other changes were made which clarify when a certificate to operate is required, when a certificate to construct or operate can be transferred, and when a certificate to operate ceases to be valid. On June 28, 1989 (54 FR 27274), EPA provided guidance on what requirements a state operating permit program must meet in order to part of a SIP. There are, however, certain inconsistencies between Part 201 and EPA's guidance pertaining to public participation procedures. EPA is in the process of preparing additional guidance which may necessitate changes to state permit programs similar to Part 201. EPA is proposing to approve the current revisions to Part 201 because they are necessary for the efficient administration of the expanded RACT regulations discussed later in this proposal. EPA may in the near future notify New York that Part 201 must be revised in order for Part 201 to remain in the SIP.

Part 228—Surface Coating Processes

New York has made two corrections to Part 228 to address existing deficiencies in New York's RACT rules as required by Section 182(a)(2)(A) of the Act. These corrections involve removing an exemption for high performance aluminum architectural coatings previously contained in 228.3(a)(2)(v), and removing an emission limit for clear coating of metal furniture previously contained in 228.8 table 1. Sources that were previously regulated under these provisions must now meet the requirements for miscellaneous metal parts and metal furniture respectively contained in the revised Part 228. EPA is proposing to approve both of these changes. These changes correct the last of the deficiencies in New York's SIP that were required to be corrected under Section 182(a)(2)(A). New York's submission of a SIP which met EPA's completeness criteria (40 CFR 51 Appendix V) stopped the sanction process required by Section 179(a).

New York has also extended the applicability of sources regulated by Part 228 to cover unregulated sources in upstate New York. Depending upon the type of surface coating operation, the regulation applies to sources with potential annual emissions of VOCs of either 10 tons or 50 tons. New York has required that certain surface coating operations must be regulated at sources with potential annual emissions of 10 tons to meet requirements set forth in CTGs for surface coating operations.

New York has regulated additional types of surface coating operations at facilities with the potential annual emissions of 50 tons to satisfy the Section 184(b) requirement to require RACT for all major sources of VOCs. The applicability of Part 228 has also been extended to include the seven towns in southern Orange County that have been added to the New York-Northern New Jersey-Long Island Nonattainment area. The applicability in southern Orange County extends to sources with potential annual emissions of either 10 tons or 25 tons, depending upon the type of surface coating source being regulated. Sources must comply with these new requirements by June 1, 1995. This date is consistent with the Act's requirement that sources required to be regulated be in compliance with RACT requirements "as expeditiously as practicable but no later than May 31, 1995."

New York has also removed from the rule, a facility wide reduction plan (bubble) as a compliance option. Part 228 previously contained generic provisions allowing for the mathematical combination of VOC emissions or "bubble" provisions. These provisions were not consistent with EPA's Emission Trading Policy (51 FR 43814, December 4, 1986) because New York had not attained the national ambient air quality standard for ozone by December 31, 1987 and its SIP was found to be substantially inadequate. New York decided to eliminate these bubble provisions as a control option. This change makes Part 228 consistent with EPA's Emission Trading Policy.

In addition to making changes required by the Act, New York has made a number of other changes to Part 228. New York added a low use specialty coating exemption. To be exempted: each low-use specialty coating to be exempted must be identified in the plants permit and approved by the State prior to exemption, the plant-wide total exempted coating usage cannot exceed 55 gallons from all coatings, the source must maintain records on an as used basis for each exempted and non-exempted coating, and the annual potential to emit of these exempt coatings can not exceed five percent of the facility's total annual potential to emit. Since this is consistent with EPA's August 10, 1990 guidance, EPA is proposing to approve it. New York also revised Part 228 to clarify that sources are allowed the option of either reformulating coatings or using control equipment to reduce VOC emissions. The control efficiency required is the lesser of the control efficiency required to meet the coating limits required for

reformulated coatings calculated on a solids as applied basis or 85%. EPA proposes to fully approve Part 228.

Part 229—Petroleum Liquid Storage Facilities

Control requirements were added for the transfer of gasoline at gasoline bulk plants and loading terminals in upstate New York that were previously uncontrolled. Control requirements were also added for the storage of volatile organic liquids (other than gasoline) and marine gasoline loading facilities statewide. Marine gasoline loading facilities at all gasoline storage and distribution facilities which have a daily throughput of greater than 20,000 gallons must be equipped with and operating a vapor control system. The final compliance date for newly regulated sources is June 1, 1995, except for marine vessel loading facilities which must be in compliance by November 15, 1994. EPA proposes to fully approve Part 229.

Part 233—Pharmaceutical Manufacturing Processes

The applicability of Part 233 was extended to control unregulated sources in upstate New York. In addition, control requirements were added for non-synthesized pharmaceutical manufacturing processes and for cosmetic manufacturing processes statewide. These sources must control emissions from: process equipment, air dryer and production equipment exhausts, VOC transfers, centrifuges and filters, in process tanks and leaks. All newly regulated sources must comply with these requirements by June 1, 1995. New York has also removed facility wide emission reduction plans (bubbles) as a compliance option. EPA proposes to fully approve Part 233.

Part 234—Graphic Arts

The applicability of Part 234 was extended to control unregulated sources in upstate New York that have potential annual emissions of 50 tons or more. In addition, the applicability has been extended to sources located in the seven towns in southern Orange County that are part of the New York-Northern New Jersey-Long Island Nonattainment area. The applicability to these sources extends down to those with 25 tons or more of potential annual emissions. Statewide control requirements were also added for screen printing operations and offset lithographic printing operations. New York has also added provisions regulating the handling, storage and disposal of VOCs. An opacity limitation was also added

for all sources subject to this regulation. EPA proposes to fully approve Part 234.

Conclusion

EPA is proposing full approval of Parts 200, 201, 228, 229, 233 and 234 because they are consistent with EPA policy and guidance and also meet the requirements of Sections 110, 182(a)(2)(A), 182(b)(2) and 184(b) of the Act.

Nothing in this proposal should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. § 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. §§ 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under Section 110 and subchapter I, Part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. US EPA*, 427 US 246, 256-66 (S.Ct. 1976); 42 U.S.C. § 7410(a)(2).

The Office of Management and Budget has exempted these actions from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C 7401-7671q.

Dated: May 2, 1995.

William Muszynski,

Acting Regional Administrator.

[FR Doc. 95-12772 Filed 5-23-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 86

[FRL-5209-9]

RIN 2060-AE27

Revisions to the Federal Test Procedure for Emissions From Motor Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On February 7, 1995 (60 FR 7404), EPA published a Notice of Proposed Rulemaking in the **Federal Register** that proposed additions and revisions to the tailpipe emissions portions of the Federal Test Procedure for light-duty vehicles and light-duty trucks. Interested parties should consult that notice and/or the public docket (see ADDRESSES below) for a detailed description and background of the proposal.

A public hearing regarding the proposed regulations was held on April 19 and 20, 1995. In joint testimony presented at that hearing the Agency was asked by the American Automobile Manufacturers Association and the Association of International Automobile Manufacturers to consider extending the comment period from 30 days after the public hearing to 90 days after the public hearing. As a continuation of previous EPA-industry cooperation efforts, the automobile manufacturers have extensive test programs in progress to investigate many aspects of the proposed regulations. The completion of these programs and the necessary data analyses to follow can not be accomplished within the original comment period. The EPA believes that the test programs and the resulting data have sufficient merit to warrant the requested extension of the comment period.

DATES: The comment period for the notice of proposed rulemaking will be extended from the original closing date of May 22, 1995 to July 19, 1995.

ADDRESSES: Comments should be submitted in duplicate to Public Docket No. A-92-64, at: Air Docket Section, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. (Phone 202-260-7548; FAX 202-260-4000).

Materials relevant to this notice have been placed in Docket No. A-92-64.

The docket is located at the above address in Room M-1500, Waterside Mall, and may be inspected weekdays between 8:30 a.m. and 5:30 p.m. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: John German, Certification Division, U.S. Environmental Protection Agency, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan, 48105. Telephone (313) 668-4214. Fax (313) 741-7869.

Dated: May 16, 1995.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 95-12771 Filed 5-23-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 180

[OPP-300386; FRL-4954-1]

RIN 2070-AC18

Polymethylene Polyphenylisocyanate, Polymer with Ethylene Diamine, Diethylene Triamine and Sebacyl Chloride, Cross-Linked; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish an exemption from the requirement of a tolerance for residues of polymethylene polyphenylisocyanate, polymer with ethylene diamine, diethylene triamine and sebacyl chloride, cross-linked, when used as an inert ingredient (encapsulating agent) in pesticide formulations applied to growing crops only under 40 CFR 180.1001(d) to replace and delete the existing exemption from the requirement of a tolerance for residues of cross-linked nylon-type encapsulating polymer under 40 CFR 180.1028. Elf Atochem North America, Inc., requested this proposed regulation pursuant to the Federal Food, Drug and Cosmetic Act.

DATES: Written comments, identified by the document control number [OPP-300386], must be received on or before June 23, 1995.

ADDRESSES: By mail, submit written comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington,